

**CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES**

September 11, 2008

Vice Chairman B. Turnquist called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: B. Turnquist, L. Spataro, T. Harryman, B. Mazade, B. Smith,
S. Warmington

MEMBERS ABSENT: B. Larson, excused, J. Aslakson, excused, T. Michalski, excused

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: S. Farkas, 2211 Reneer; I. Bass, 1341 S. Getty; S. Johnson, Every
Woman's Place, 1221 W. Laketon Ave; S. Kamp, Custom Service
Printers, 916 E. Keating; W. Norlin, Tower Pinkster Assoc.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of August 14, 2008 be approved, was made by T. Harryman, supported by L. Spataro and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2008-22: Request to rezone the property located at 1338 S. Getty Street from B-4, General Business District to R-1, Single Family Residential District, by Connie Johnson, 4028 Briarwood Lane. L. Anguilm presented the staff report. The property contains the long time family home of Connie Johnson, who has occupied the home since 1979. Her son would like to purchase the home from his mother, but has been unable to secure financing because of the business zoning. Therefore, the applicant is requesting a rezoning from B-4 General Business District to R-1, Single Family Residential. The property itself contains 6,200 square feet, with 50 feet of street frontage. While this meets the minimum requirements for a residential lot, it falls short of the 10,890 square feet and 100 feet of frontage required for a lot in the B-4 zoning district. The properties to the north, west and south are zoned B-4, and to the east on Kingsley Street, is R-1. In this block of Getty Street between Evanston and Catawba there are 7 homes presently used as single family residences, with 5 being owner occupied. There are also 4 businesses occupying commercial structures in that block. The Getty Street Corridor Study, done in 2001, suggests that in this area of Getty we should "encourage land assembly and re-use of single-family residential areas to higher intensity uses". At this time there are no plans for any redevelopment to commercial uses, that staff is aware of. Staff has had no comments regarding this request and recommends approval, since the request conforms to the goals and recommendation of the City's 1997 Master Plan and Future Land Use Plan and zoning district intent.

S. Warmington arrived at 4:07 p.m.

L. Spataro stated that the request was consistent with what was being done in other areas of the City. S. Farkas spoke on behalf of the applicant and stated that she had been unable to sell her house due to

the B-4 zoning, and the building being a residential home. He provided letters from neighboring residents and businesses at 1336 S. Getty, 1338 S. Getty, and 1346 S. Getty, stating that they had no objections to the request. I. Bass asked how the rezoning would affect his nearby church. L. Anguilm stated that it would have no effect on the church.

A motion to close the public hearing was made by T. Harryman, supported by L. Spataro and unanimously approved.

A motion that the request to rezone the property located at 1338 S. Getty Street from B-4, General Business district, to R-1, Single Family Residential district as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance and the determination of compliance with the intent of the City Master Land Use and zoning district intent, was made by T. Harryman, supported by L. Spataro and unanimously approved.

Hearing; Case 2008-23: Staff-initiated request to rezone the property located at 1221 W. Laketon Avenue from RM-2, Medium Density Multiple Family Residential District to R-1, Single Family Residential District. L. Anguilm presented the staff report. The property is a 5.63 acre parcel that presently contains a building owned and occupied by Every Woman's Place. This property was rezoned in September 2007 at their request from R-1 to RM-2. Their plans were for a multi-bed expansion to the present facility. However, it appears that any expansion plans have stalled, and at the request of some City Commissioners, this rezoning request is now before you. Every Woman's Place submitted an application to Planning Commission for Site Plan Review in September 2007, but it was tabled because the site plan was not ready, and was then eventually withdrawn. If rezoned to R-1, the agency would be able to continue in its present state as a legal non-conforming use. Any expansion would only be allowed up to 25%, and only with the permission of the Planning Commission. The properties to the north, south and east are zoned, R-1 and the property to the west is zoned OSC, Open Space Conservation. The Future Land Use Map shows this property (Sub-Area 6) as "Public/Quasi-Public". The Master Plan also states: "It is the goal of the Master Plan to retain the mixed-use character of Sub-Area 6 and to demonstrate how varying land uses may co-exist, as well as compliment each other." Staff has had no comments regarding this request and recommends approval.

T. Harryman asked what had happened to the expansion plans. L. Anguilm stated that she did not know, but that a representative from Every Woman's Place was present to answer questions. B. Turnquist asked if there was a buyer that was interested in the property. L. Anguilm stated that she wasn't aware of any. L. Spataro stated that he and Commissioner Gawron had been hearing concerns from neighbors in the area about the project not moving forward. Their concern was the other uses that would be allowed in an RM-2 zone. S. Gawron sent a letter via e-mail, supporting the rezoning to R-1. S. Johnson, director of Every Woman's Place, updated board members and staff on the facility's expansion plans. She stated that their board had decided that any building or remodeling would be done according to "green" building standards and would be LEED certified. This process extended the timetable for moving forward with the project and required revisions to the site plan. She stated that they were still raising funds and hoped to have the revised site plan ready in the next few months. They had no one interested in purchasing the property and had no plans to sell it. B. Mazade asked if the scope of the project remained the same. S. Johnson stated that it did, but one change would be the orientation of the building toward Laketon Avenue. T. Harryman asked where the fundraising was, percentage-wise. S. Johnson explained their fundraising efforts to date. B. Mazade asked if the Commission could table the request for 2-3 months until the plans are finalized. L. Anguilm stated that they could table the request until a future date.

A motion to close the public hearing was made by B. Mazade, supported by T. Harryman and unanimously approved.

A motion to table this case until the first meeting in 2009 was made by S. Warmington, supported by B. Smith, and unanimously approved.

Hearing; Case 2008-24: Staff-initiated request to rezone multiple properties in the portion of the city known as Area 8, bounded by Keating Avenue, Madison Street, Holbrook Avenue, and S. Getty Street from B-4, General Business District to R-1, Single Family Residential District. L. Anguilm presented the staff report. This case is a continuation of the “blight fight” effort begun by the City Commission in 2002. The current area for the blight fight effort is labeled “Area 8” and encompasses the area bounded by Park Street to the west, Laketon Avenue to the north, the boundary with Muskegon Township to the east, and Sherman Boulevard to the south to the boundary with Muskegon Heights. The area concerning this case is a smaller portion of Area 8 bounded by Keating Avenue, Madison Street, Holbrook Avenue and Getty Street. There are 14 parcels within this area slated for rezoning at this time. Letters were sent to approximately 150 property owners and tenants within 300 feet of the boundaries of these properties informing them that this rezoning was being proposed and discussed by the Planning and City Commissions. The area in question is primarily a residential neighborhood, with the exception of a stretch along Keating Avenue, and at the corner of Getty and Keating. There are a few commercial properties, such as the Printing Source, that we prefer to leave as commercial. Our intent with this request is to bring the homes that currently are legal nonconforming uses into compliance by rezoning them to R-1. Included in your packet are two maps, one of the current zoning for that area, and another with the proposed rezoning. The Future Land Use Map shows this area as residential, with the exception of the corner of Keating and Getty, which is shown as commercial.

S. Kamp from Custom Service Printers stated that they owned a business and a couple of vacant parcels in the area, and they preferred to keep the current B-4 zoning. Staff and board members reviewed the area map to determine which of the properties belonged to the print shop. B. Smith asked how the proposed rezoning would affect the business. L. Anguilm stated that it wouldn’t affect them if they continued to operate as they were, but it could if they decided to expand. S. Kamp stated that they had no current plans to expand, but could in the future.

A motion to close the public hearing was made by S. Warmington, supported by L. Spataro and unanimously approved.

A motion to table this request until the October meeting to give staff time to confer with Custom Service Printers was made by L. Spataro, supported by S. Warmington and unanimously approved.

S. Warmington requested to hear case number 2008-26 under New Business next, since the applicants were present, and case number 2008-25 was a staff-initiated request. Board members concurred.

NEW BUSINESS

L. Spataro stated that he worked for the County of Muskegon and was abstaining from this case due to a conflict of interest.

Case 2008-26: Request for site plan review for an addition to the building at 376 E. Apple Avenue, by Wayne Norlin, Tower Pinkster Titus, Associates. L. Anguilm presented the staff report. The subject property is the site of the John Halmond Community Mental Health (CMH) Building. A large addition of 37,361 square feet is proposed to the present 21,573 square foot building. Muskegon County recently applied for and received approval for the vacation of Emerald Street between Allen and Apple Avenues. The building addition will be constructed to blend in with the current one-story building and will have a common front entrance. The parking spaces fall between the minimum and maximum allowed for the combined new building. The Planning Department requires the following amendments be made to the site plan as a condition of approval: a) the property address needs to be added to the site plan, b) the zoning of abutting properties needs to be added, c) if new outdoor lighting is to be added, indicate location, pole height, and that the fixtures will be 100% cut-off type, d) indicate dimensions of proposed addition, including height, e) show topography elevations at 5-foot intervals, f) include arrows showing direction of existing overland flow of storm water runoff, g) indicate soil erosion and sedimentation control measures, h) show snow storage areas, or if snow is to be removed from the site, so indicate, i) the landscape plan shows no evergreen/understory trees; the zoning ordinance requires 2 for each 30 linear feet of street frontage, and j) any new signage would require a sign permit. The Fire Department has the following conditions of approval: a) please resubmit with location of all existing fire hydrants, b) fire flow testing shall be conducted for water supply requirements, c) post indicating valve shall be installed for fire suppression control valve, d) fire lane shall have signage, and e) fire hydrants location shall comply with International Fire Code 2003 Edition, Appendix C. The Department of Public Works has no outstanding issues with this site plan. The Engineering Department has met with the project engineers and have had their concerns addressed. Corrections need to be added to the revised site plan. Staff has received no comments regarding this request, and recommends approval subject to the conditions listed.

L. Anguilm stated that she had already spoken to W. Norlin about the conditions listed, and he was working on them. W. Norlin stated that, regarding item 6 (i), the landscape plan, they preferred a different kind of tree (canopy) than what was required (understory). He explained the reasons, and board members concurred that they didn't have a problem with using a different type of tree. They asked L. Anguilm who had the authority to allow that change. She stated that the board members could include that as a condition in their motion to approve. R. Massick, project architect, and J. North, Director of CMH, explained more about the project design and landscaping. B. Mazade had concerns about the Dumpster being visible to the neighborhood behind the building. W. Norlin described the building layout and explained their reasoning for locating the Dumpster where it was shown. He stated that it would be enclosed with material that matched the building, and there would be a gate across the front which would shield the Dumpster from view.

A motion that the site plan for the expansion of the John Halmond building, located at 376 E. Apple Avenue for Wayne Norlin, Tower Pinkster Titus Associates, be approved, based on the conditions that 1) all requirements addressed in item #6 of the staff report shall be provided as needed on a revised site plan prior to issuance of a building permit, except that for item (i), canopy trees will be allowed instead of understory/evergreen trees, and 2) all issues listed by the Fire Department in #7 of the staff report must be addressed, was made by S. Warmington, supported by B. Mazade and approved, with L. Spataro abstaining.

PUBLIC HEARINGS (continued)

Hearing; Case 2008-25: Staff-initiated request to amend Section 2308, #2 (Outdoor Seating) of Article XIII, to require a minimum of 7 feet of paved area for pedestrian circulation. L. Anguilm presented the staff report. In February 2007 the Outdoor Seating language was adopted and became part of the Zoning Ordinance. Recently, a request for a staff-approved site plan for outdoor seating was submitted for the former National City building on Western Avenue. Upon discussion with other City staff and the new restaurant developer, it was brought to my attention that the 3 foot allowance for sidewalk along the curb was not sufficient for ADA standards. On the advice of the City Engineer and the Affirmative Action Director, who is also the City's liaison for ADA issues, we believe that even though 5 feet would be an adequate width to accommodate signage, light poles, and pedestrians, that 7 feet would be a better buffer for accessibility. This would allow adequate space for people and wheelchairs, walkers, etc. to pass one another.

T. Harryman asked if the 7 foot requirement would be a detriment to some of the businesses who desired outdoor seating. L. Anguilm stated that it could. Board members discussed the pros and cons of both 5-foot and 7-foot sidewalk widths, and how to accommodate pedestrian traffic without putting an unnecessary burden on developers.

A motion to close the public hearing was made by S. Warmington, supported by L. Spataro and unanimously approved.

A motion that the amendment to Section 2308, #2, of Article XXIII, Outdoor Seating, of the City of Muskegon Zoning Ordinance to require a minimum of 6 feet of paved area for pedestrian circulation along the curb, be recommended to the City Commission for approval, was made by S. Warmington, supported by L. Spataro and unanimously approved.

OLD BUSINESS

None.

OTHER

None.

There being no further business, the meeting was adjourned at 5:15 p.m.